REMARKS

The Applicants request reconsideration of the rejection.

Claims 9-15 been canceled and new claims 16-21 have been added. Accordingly, only claims 16-21 are now pending.

Claim Rejections Under 35 USC §112

Claims 9-15 stand rejected under 35 USC 112, second paragraph as being unclear and indefinite as to what structure Applicant is intending to encompass with the "means for attaching" and "means for releasing" limitations. Claims 14 and 15 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 9-15 have now been canceled.

Claim Rejections Under 35 USC §102 and 103

Claims 9-13 stand rejected under 35 USC 102(b) as being anticipated by Long (USP 5,200,151).

Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Long in view of Mawhirt (USP 5,137,693).

Claims 11 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Long in view of Lopez et al. (USP 4,752,292).

Claim 13 stands rejected under 35 USC 103(a) as being unpatentable over Long.

Claims 14 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Long in view of Homberg et al. (USP 5,792,424).

Claims 9-15 have been canceled and new claims 16-21 have been added. For the reasons set forth hereafter, it is submitted that new claims 16-21 are patentable.

Patentability of the Claims

New claim 16 defines the invention as an automatic analyzer comprising at least one reagent bottle having an opening for taking out a reagent and the opening being closed by a puncturable seal member. The analyzer further includes a reagent probe having a nozzle for dispensing a reagent in the reagent bottle and a seal piercing tool to be attached to the nozzle. The piercing tool is removable from the nozzle and has a hollow interior into which the nozzle is inserted from one end thereof and an opposite end being a pointed needle having a no opening therein. The analyzer further includes a container for holding the piercing tool before the piercing tool is attached to the nozzle and for holding the piercing tool after the piercing tool is removed from the nozzle. The piercing tool comprises a lever locking the piercing tool to the nozzle when the nozzle is inserted therein to prevent the piercing tool from slipping off from the nozzle. The lever is unlocked from the nozzle to remove the piercing tool therefrom.

Dependent claims 17-21 define further features of the invention including a reagent sampling mechanism for moving the nozzle.

It is submitted that the invention as now defined in new claims 16-21 is fully supported by the Specification and drawings. Although, the rejection in the previous Office Action is moot in view of the new claims, Applicants' comments regarding the cited art are set forth hereafter.

The Examiner states that Long '151 discloses a table 68 which constitutes a container for a seal piercing tool and pipette tips 70 which constitute a seal piercing tool. The pipette tip according to Long, however, is disposable and is attached to the end of a dispensing nozzle in order to prevent a sample and a reagent from mixing with other different samples or reagents during a sucking operation of the dispensing nozzle. Thus, the patent is directed to preventing contamination by the use of a disposable pipette tip. The tips 70 of Long are not seal piercing tools. Moreover, the table 68 is merely a movable tray for holding a set of the disposable tips 70.

According to the present invention as now claimed in claim 16, a sealing piercing tool is to be attached to the nozzle and is removable therefrom. The piercing tool has a hollow interior into which the nozzle is inserted from one end of the piercing tool with the opposite end of the piercing tool being a pointed needle having no opening therein. Moreover, the container holds the piercing tool before the piercing tool is attached to the nozzle and also holds the piercing tool after the piercing tool is removed from the nozzle. The piercing tool further includes a lever locking the nozzle to the piercing tool to prevent the piercing tool from slipping off and the lever is unlocked from the nozzle to remove the piercing tool therefrom. This is a totally different invention from that taught by Long.

The Examiner further cites Mawhirt '693 as disclosing leaf springs 140 and 142 to securely hold a test tube. This is a totally different invention from that of Applicant's and no basis is provided or shown in either Long or Mawhirt for combining the teachings of the two references.

The Examiner cites Lopez '292 as disclosing a medical connector for introducing medication into a patient in which a piercing tool 92 has a latch locking mechanism. Lopez, however, is directed to a different art and does not show a piercing tool. Indeed, none of the cited references disclose a removable piercing tool having a latch locking mechanism as in Applicants' invention.

Finally, the Examiner cites Homberg '424 as disclosing a slidable guide 60 at the lower end that is urged toward a stop 46 by a spacing spring 70. There is no suggestion in Homberg or Long, however, of combining there references in the manner done so by the Examiner.

Accordingly, it is submitted that the present invention, as now defined in new claims 16-21, is patentable.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-192).

Respectfully submitted,

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